

STATE OF MICHIGAN



JOHN ENGLER, Governor

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

*"Better Service for a Better Environment"*

HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973

INTERNET: [www.deq.state.mi.us](http://www.deq.state.mi.us)

RUSSELL J. HARDING, Director

*Handwritten:* RDS2

January 29, 1998

Mr. David Kee, Director  
Air and Radiation Division  
United States Environmental Protection Agency  
Region 5 W545 2344  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3507

Dear Mr. Kee:

This letter addresses the issue of the Michigan air quality Administrative Rule, R 336.1901 (Rule 901), and whether this rule is part of the Michigan State Implementation Plan (SIP). To clarify this issue, I am requesting that the rule be removed from the approved SIP as provided for in Section 110(k)(6) of the Clean Air Act.

Rule 901 is a general rule that prohibits the emission of an air contaminant which is injurious to human health or safety, animal life, plant life of significant economic value, property, or which causes unreasonable interference with the comfortable enjoyment of life and property. It is a state rule that has been primarily used to address odors and other local nuisances. Historically the rule has not been used to attain nor maintain any National Ambient Air Quality Standard nor to satisfy any other provision of the Clean Air Act and, therefore, does not belong in the SIP.

The current version of the rule has been in effect since early 1980 and, at that time, was submitted to the United States Environmental Protection Agency (EPA) along with other Michigan air rules for approval as part of the SIP. On May 6, 1980, the EPA approved many of the rules contained in that submittal; however, it was not clear if Rule 901 was included with that approved group. As a result, our agency has considered Rule 901 to be a state-only rule and not federally enforceable.

Recently it has come to our attention that the EPA has identified Rule 901 as being part of the SIP. This finding has created uncertainty for our agency and Michigan industry. While we may not agree with the EPA that Rule 901 is part of the SIP, we believe an expedient way to clarify the issue is for the EPA to use Section 110(k)(6) of the Clean Air Act to clearly state that the rule is not part of the SIP.

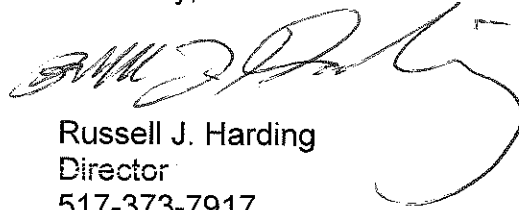
Mr. David Kee

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If you have any questions regarding my request or need additional information, please contact Mr. Dennis Drake, Chief of the Air Quality Division, at 517-373-7069. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell J. Harding", with a large, sweeping flourish extending from the end of the signature.

Russell J. Harding  
Director  
517-373-7917

cc: Mr. Dennis M. Drake, DEQ  
Mr. Robert Irvine, DEQ  
Mr. Dennis McGeen, DEQ